

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8583 of 2019**

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Deepa Rani Dey Wife of Bishwa Kalyan Ganguli, Resident of Laxmi Narain  
Nagar, P.s. Mithanpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industries Department,  
Govt. of Bihar, Patna.
2. The Bihar Industries Area Development Authority, Udyog Bhawan, East  
Gandhi Maidan, Patna.
3. The Managing Director, Bihar Industrial Area Development Authority,  
Udyog Bhawan, East Gandhi Maidan, Patna.
4. The Executive Director, Bihar Industrial Area Development Authority,  
Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Chief Executive Officer, Bihar Industrial Area Development Authority,  
Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Executive Director, Bihar Industrial Area Development Authority,  
Regional Office, Muzaffarpur.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|------------------------------------------------------|
| For the Petitioner/s | : | Mr.Prashant Sinha<br>Mr. Bava Jha<br>Mr. Rohan Verma |
| For the BIADA        | : | Mr. Yashraj Vardhan                                  |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL JUDGMENT**

**Date : 25-06-2019**

The present writ petition has been filed for directing the respondents to pay gratuity to the petitioner considering the enhanced limit of gratuity as per the amendment made in the Payment of Gratuity Act, 1972 by the Payment of Gratuity (Amendment) Act, 2018 brought into force on 29.3.2018.

2. It is the submission of the learned counsel for the petitioner that the respondents had calculated the total amount



of gratuity, payable to the petitioner herein, to the tune of Rs. 15,40,688/-, as is apparent from Annexure-3 to the writ petition, however, since the limit under the unamended provisions of the Payment of Gratuity Act, 1972 was Rs. 10,000,00/- (enhanced in the year, 2010), the respondents had sanctioned and paid a sum of Rs. 10,000,00/- on the head of gratuity, ignorant of the aforesaid amended of the year 2018.

3. The learned counsel for the petitioner has submitted that as per the aforesaid amendment of the year, 2018 brought into force on 29.3.2018, the upper ceiling on the gratuity amount has been enhanced from Rs. 10,000,00/- to Rs. 20,00,000/- and since the petitioner has retired on 31.12.2018, the aforesaid amendment of the year, 2018 would be applicable in her case and she would be entitled to a sum of Rs. 15,40,688/-, which is within the prescribed upper ceiling limit of Rs. 20,000,00/-.

4. Per contra, the learned counsel for the respondents has not been able to controvert the aforesaid position existing in law, as also on facts.

5. Having regard to the facts and circumstances of the case, as also considering the materials on record, this Court is of the view that the upper ceiling of gratuity amount under the Payment of Gratuity Act, 1972, as amended by the Payment of



Gratuity (Amendment) Act, 2018, which is Rs. 20,000,00/- would be applicable in the present case, hence, the respondents are directed to calculate the total amount of gratuity payable to the petitioner herein and accordingly, pay the differential amount over and above, a sum of Rs. 10,000,00/- already paid, within a period of eight weeks from the date of receipt / production of a copy of this order.

6. The writ petition stands allowed on the aforesaid terms.

**(Mohit Kumar Shah, J)**

ajay gupta/-

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